

Continuum of Care Lead Agency and Collaborative Applicant



Delaware Continuum of Care

Memorandum of Understanding Between the Delaware Continuum of Care and Housing Alliance Delaware

I. INTRODUCTION

The purpose of this Memorandum of Understanding (MOU) is to confirm agreements between the Delaware Continuum of Care (CoC) and HOUSING ALLIANCE DELAWARE related to management of designated operations of the Continuum of Care. This MOU establishes HOUSING ALLIANCE DELAWARE, or any duly authorized successor entity, as the CoC Collaborative Applicant and CoC Lead Agency, and defines the roles and specific responsibilities of each party related to key aspects of the governance and operation in the above-mentioned capacities.

II. DURATION

Except as provided in Section VI (Amendment), VII (Termination) or VIII (Failure to Adhere to MOU), the duration of this MOU shall be from 11/1/2021 — 10/31/2026.

III. DEFINITIONS

A. CoC

The Delaware CoC, consisting of voting and non-voting members (i.e., the CoC membership), as well as a Board and Committees, is a community-based collaborative that ensures a responsive, fair, and just approach to addressing homelessness, and strives to achieve housing for all. The CoC voting members elect membership of the CoC Board. The Board makes decisions and acts on behalf of the CoC.

B. Collaborative Applicant Designation

The Collaborative Applicant manages the application process for CoC funding at the direction of the CoC.

C. Continuum of Care Lead Agency Designation

The CoC Lead Agency provides support to the CoC membership, CoC Board and all other committees.

IV. SPECIFIC RESPONSIBILITIES OF THE PARTIES

A. CoC Board Responsibilities

The responsibilities required by the CoC Interim Rule and assigned to the CoC Board are outlined below:

1. As related to designations and appointments:
 - a. Designate a Single HMIS for the entire CoC Geographic Area
 - b. Designate HMIS Lead, CI Lead, CoC Lead, and Collaborative Applicant for Delaware CoC through Memorandums of Understanding, with roles and terms to be reviewed every 5 years, as well as initiate a Letter of Interest process whereby organizations can express interest in being contracted for any of the aforementioned designations
 - c. Appoint Committees, including appointing membership of the CoC Funding¹ and Centralized Intake Committees, on an annual basis
2. As related to governance:
 - a. Define membership of the CoC
 - b. Develop the CoC Governance Charter
3. As related to priorities:
 - a. Receive input from the full CoC Membership membership on priorities and goals for the CoC, and set those priorities on an annual basis
 - b. Work strategically and develop plans to address the goals and priorities of the CoC
 - c. Coordinate the implementation of a housing and service system that meets the needs of the homeless individuals (including unaccompanied youth) and families. At a minimum, such a system encompasses the following: Outreach, engagement, and assessment; Shelter, housing, and supportive services; and Prevention strategies.
4. As related to the Annual HUD Funding Competition (limited to non-conflicted board members only):
 - a. In conjunction with the Collaborative Applicant, create an annual CoC funding application submission timeline
 - b. Review and approve policies as recommended by the Funding Committee for the rating and ranking process for the CoC funding competition, taking into account CoC system needs, system gaps, system and project performance, strategic goals, HUD threshold requirements and regulations, and HUD and local policy priorities²
 - c. Approve annual application to HUD for CoC Program funding
 - d. Act as the funding appeals body for the full CoC, reviewing and making final determinations on provider appeals
 - e. In conjunction with the Funding Committee and Collaborative Applicant, review annual funding allocations/reallocations and respond as applicable
 - f. Review and act on the annual funding allocations and reallocations, As related to performance:
 - g. Take action against poor performers. (CoC Funding Committee decides who to put on corrective action, non-conflicted board members review and approve, and the Lead Agency is responsible for creating and fulfilling the Corrective action plans)
 - h. Hold CoC Committees accountable for fulfilling their responsibilities. This includes approving or denying any Committee recommendations presented before the Board
 - i. Monitor community-wide, system-wide and project-level performance as reported on by the System Performance and CoC Funding Committees

¹ Any individual on the CoC Board associated with an entity that receives HUD CoC funding may not participate in selecting members of the CoC Funding Committee.

² Responsibility of non-conflicted Board members only

- j. Work with the CoC Lead Agency and CoC Funding Committee to complete project performance evaluation and monitoring of recipients, including an evaluation of outcomes for CoC-Projects and reporting to HUD.
- 5. As related to ESG:
 - a. Consult with ESG Recipients (along with general membership)
 - b. Act as the official liaison for the consolidated planning process and coordination with ESG jurisdictions based on input from the full CoC Membership
- 6. As related to meetings:
 - a. Work with Lead Agency to set all CoC meeting agendas
 - b. Lead full CoC membership meetings
- 7. As related to other:
 - a. Review and act on additional HUD-required activities, in conjunction with Committees and the CoC Lead Agency
 - b. In consultation with recipients of Emergency Solutions Grants program funds, establish and consistently follow written standards for providing Continuum of Care assistance. At a minimum, these written standards must include:
 - i. Policies and procedures for evaluating individuals' and families' eligibility for assistance under the CoC and ESG Programs
 - ii. Policies and procedures for determining and prioritizing which eligible individuals and families will receive assistance
 - iii. Standards for determining what percentage or amount of rent each program participant must pay while receiving assistance
 - iv. If the Continuum is designated by HUD as a High Performing Community (HPC), policies will be developed that meet the standards for high-performing communities, as described in the Emergency Solutions Grants program rule at 24 CFR part 576.400(e)(vi) through(e)(ix)
 - c. If have UFA, approve amendments for any grants

The board will establish committees, as necessary, to accomplish the above responsibilities, as well as other priority activities as established by the CoC. A complete list of Committee activities is found in the Delaware Continuum of Care Governance Charter.

B. Collaborative Applicant Responsibilities

HOUSING ALLIANCE DELAWARE serves as the CoC's Collaborative Applicant. These responsibilities are contingent on continued receipt of the appropriate HUD grant funding, and are outlined below:

1. Collect and combine the required CoC funding application information from all applicants and for all projects that the Continuum has selected funding
2. In conjunction with the Board, create a timeline for the CoC for the annual CoC funding application submission to the CoC
3. Submit a final draft of the annual application to the CoC Board and CoC membership for approval prior to submission to HUD
4. Submit the annual application to HUD for Continuum of Care Program funding and apply for Continuum of Care Planning dollars

5. Provide the required local match (cash or in-kind) for the CoC Planning Grant. This may include setting a rate for CoC activities (i.e., Board activities) and tracking those contributions from CoC members

C. Lead Agency Responsibilities

HOUSING ALLIANCE DELAWARE serves as the CoC's Lead Agency. These responsibilities are outlined below:

1. As related to designations and appointments:
 - a. Sit on and participate in all Committees
2. As related to governance:
 - a. Hold a non-voting Board member seat
3. As related to priorities:
 - a. Provide information and context to the CoC to guide priority selection through community engagement and resource review (i.e., HUD guidance, relevant updates, best practices, etc.)
4. As related to the Annual HUD Funding Competition:
 - a. Facilitate local funding competition process in coordination with the Board and CoC Funding Committee
 - b. Lead community response process
5. As related to performance:
 - a. Provide necessary information to the CoC Funding Committee so it can establish performance targets in consultation with recipients/subrecipients
 - b. Create and fulfill any corrective action plans after CoC Funding Committee decides who to put on Corrective action, and the Board reviews and approves the recommendation
 - c. Work with the Board and CoC Funding Committee to complete project performance evaluation and monitoring of recipients/subrecipients, including an evaluation of CoC Project outcomes and report to HUD
6. As related to ESG:
 - a. Provide reports to ESG jurisdictions to assist them in monitoring data quality, performance and other items as needed or requested.
7. As related to meetings:
 - a. Schedule meetings, develop and publish agendas, issue meeting materials, including planning grant financial information, and post all relevant documents to the CoC website
 - b. Assist Board with planning and facilitating meetings (full membership, Board, committees)
8. As related to other:
 - a. Invite new members at least annually, in conjunction with the Membership and Engagement Committee
 - b. Plan for and conduct, at least biennially, a point-in-time (PIT) count and Housing Inventory Chart (HIC). The PIT must meet the following requirements:
 - i. Homeless persons who are living in a place not designed or ordinarily used as a regular sleeping accommodation for humans must be counted as unsheltered homeless persons
 - ii. Persons living in emergency shelters and transitional housing projects must be counted as sheltered homeless persons
 - iii. Other requirements established by HUD by Notice

- c. Review and act on additional HUD-required activities, in conjunction with committees and the Board
- d. Aligned with 24 CFR 578.103, record and collect 5 years' worth of evidence that the:
 - i. Board selected by the Continuum of Care meets the requirements of 24 CFR 578.5(b);
 - ii. Continuum has been established and operated as set forth in subpart B of this part, including:
 - 1. published agendas and meeting minutes
 - 2. an approved Governance Charter that is reviewed and updated annually
 - 3. a written process for selecting a board that is reviewed and updated at least once every 5 years
 - 4. evidence required for designating a single HMIS for the Continuum
 - 5. monitoring reports of recipients and subrecipients
 - 6. Evidence that the CoC has prepared the application for funds as set forth in 24 CFR 578.9, including the designation of the eligible applicant to be the collaborative applicant.
- e. Conduct gaps analysis to inform funding process

These, and any other responsibilities, are documented in the *Delaware Continuum of Care Governance Charter* located on the CoC website.

V. COMMENCEMENT

This MOU will commence upon the signature of the affected parties.

VI. AMENDMENT/NOTICES

This MOU may be amended in writing by either party, so long as changes are mutually agreed upon by all parties.

VII. TERMINATION

Either party, or duly authorized successor entity, may terminate this MOU at any time by giving sixty (60) days written notice to the other parties. If the funds relied upon to undertake activities described in this MOU are withdrawn or reduced, or if additional conditions are placed on such funding, any party may terminate this MOU within thirty (30) days by providing written notice to the other parties. The termination shall be effective on the date specified in the notice of termination.

Any dispute around termination shall not delay the CoC's ability to administer funds. In the event that this MOU is terminated by either party, both are obligated to adhere to HUD's guidance during the transition period.

VIII. FAILURE TO ADHERE TO MOU

Failure to adhere to this MOU and/or concerns brought forth by the Board may result in the institution of a performance improvement plan and/or termination of CoC Lead Agency and Collaborative Applicant designation.



Rachel Stucker
Executive Director, Housing Alliance Delaware

10/3/21

Date



Carrie Casey
Chair, Delaware Continuum of Care Board

10/19/2021

Date